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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,268	01/29/2002	Warren Keith Edwards	PARC-DA1085	2691
22835 7590 01/04/2007 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER CHANKONG, DOHM	
			ART UNIT 2152	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/058,268

Applicant(s)

EDWARDS ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's amendment and remarks, filed 10.19.2006. Claims 1, 8, 12, 19, 23 and 30 have been amended. Claims 1-33 are presented for further examination.
- 2> This is a final rejection.

Response to Arguments

- 3> Applicant amends the claims to disclose that the DTSO is invoked upon at least one of the plurality of components has data to transfer to another component. Applicant's arguments have been fully considered but they are not persuasive. Applicant's amendment does not overcome the Reed reference.

Applicant's discusses Reed's databases as representative of Reed does not disclose the claimed invention. However, Reed's databases are not the issue of the rejection of the claims; Reed's communications object is analogous to Applicant's claimed data transfer session object [column 17 «lines 25-28»]. The communications objects are passed between one component (Reed's provider program) and a another component (Reed's consumer program) in order to "control communications between the components".

Reed discusses that the communications object uses two methods by which a component may transfer information to another component, either through a push or pull method of distribution [column 17 «lines 39-42»]. As understood by the Office, Applicant's argues that Reed's distribution of his communications object occurs regardless of whether a

Art Unit: 2152

component has data to transfer to another component; specifically, Applicant argues that Reed teaches updating databases for each consumer with whom the producer has previously communicated. But this is not the only way that Reed teaches distribution of the communications object.

Reed discloses the amended limitation by way of the pulling method. According to Reed, pulling:

“occurs when the consumer computer 2 requests and initiates a transfer of information directly from a provider computer 1 or from another server computer 32 located on communications network 3 on which a copy of the information has been placed for distribution. An example of such a distribution server 32 is when a copy of the information is placed on a web server and accessed by the consumer computer” [column 12 «line 63» to column 13 «line 3»].

When the consumer desires to communicate with the provider:

“the provider can include in the transferred information the data, metadata, and instructions necessary to control and coordinate general communications from the consumer to the provider or to parties related to the provider. For example, data, metadata and instructions in the transferred information can be used by the consumer program 22 or other computer programs running on the consumer computer 2 to automatically format, compress, encrypt, address, and transmit copies of a word processing document, spreadsheet, database or database query, or other computer file format” [column 14 «lines 43-53»].

In other words, when the consumer has information to communicate with the provider, the consumer can download the appropriate communications object that will provide appropriate instructions to enact the communications. Thus, Reed teaches multiple means of providing the communications objects to the components within his system, including automatic updates and manual updates as requested by a component when it has data to transmit to another component [see above, and column 35 «lines 1-3»: “retrieve communications-related data *when needed*” (italics provided) | column 86 «lines 64-66»: communication object is transmitted when a message object needed to be transmitted].

Art Unit: 2152

Based on the foregoing remarks, Applicant's arguments are not deemed persuasive and Applicant's amendment does not overcome the Reed reference. Therefore, the claim rejections set forth in the previous action, filed 8.22.2006 are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4> Only those claims that have been amended by Applicant are formally addressed in this action. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5> Claims 1-33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Reed et al, U.S Patent No. 6,345,288 ["Reed"], in view of Bischoff et al, U.S Patent No. 6,718,377 ["Bischoff"].

6> As to claim 1, Reed discloses a system for enabling components to transfer data between each other, the system comprising:

a plurality of components including a first component having a universal data transfer interface [Figure 1 | column 7 «line 59» to column 8 «line 3»];

a second component capable of invoking the universal data transfer interface to cause a data transfer session object (DTSO) to be sent to at least one of the plurality of components when the at least one of the plurality of components has data to transfer to another component from the plurality of components [column 12 «line 63» to column 13 «line 3» | column 14 «lines 43-53» | column 86 «lines 64-66» : transferring of the message object with the communications object], wherein the DTSO is capable of being invoked by the at least one of the plurality of components to transfer data between the first component and the at least one of the plurality of components [column 8 «lines 6-19» | column 17 «lines 25-28» | column 70 «lines 51-67» where : Reed's communications object is analogous to Applicant's claimed DTSO];

wherein the DTSO includes instructions that enable the first component to receive asynchronous event notifications [column 14 «lines 24-56» : "notification of the provider" | column 56 «lines 15-52»];

wherein the DTSO includes instructions to return device type and operating status of the first component [column 49 «lines 21-50»]; and

wherein the DTSO includes instructions to enable the first component or the at least one of the plurality of components to negotiate with each other to select a transfer medium to use to transfer data based upon the type of data [column 12 «lines 44-50» | column 53 «line 54» to column 54 «line 49»].

Reed does disclose that the second component (provider computer) is aware of the data type supported by the first component (consumer) [column 14 «lines 21-59»] and also the first component can provide means, such as special forms, for the second component to

Art Unit: 2152

return specific types of data [column 14 «lines 26-32»]. Reed however does not expressly disclose instructions to return data types supported by the first component.

7> In the same field of invention, Bischoff is directed towards a system with a provider and consumer computer (analogous to claimed second and first component, respectively) [abstract]. Like Reed, the provider and consumer are enabled to communicate with one another using a standardized interface comprised of various communication objects located at the computers [column 2 «lines 14-30 and 65-67»]. To achieve this functionality, Bischoff discloses returning data types from the consumer computer that are supported by the consumer computer to the provider computer to enable communications between the consumer and provider computer [Figure 4 | column 2 «lines 20-30» | column 7 «lines 56-67»].

It would have been obvious to one of ordinary skill in the art to modify Reed with Bischoff's teachings. One would have been motivated to provide such a combination to provide a means for Reed to obtain the supported data formats and types of a consumer computer as represented by Bischoff's feature.

8> As to claims 8, 12, 19, 23 and 30, see rejection of claim 1 above, and previous rejections as set forth in the previous Office action, filed 8.22.2006.

Conclusion

Art Unit: 2152

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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